

Attorney Docket No. 45579 (56876)

ED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

OSTHER, et al

U.S.S.N:

10/057,112

Art Unit:

Unassigned

FILED:

January 25, 2002

Examiner:

Unassigned

FOR:

IN VITRO REPAIR OF BONE AND/OR CARTILAGE DEFEFECTS

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 2023/1014 February

Bv:

INFORMATION DISCLOSURE STATEMENT (SUBMISSION AFTER FILING OF AN APPLICATION **BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE)**

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

ant Commissioner for Patents
ngton, D.C. 20231

Date: February <u>AW</u>, AW, AWA

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, Applicant(s) hereby submit(s) and Disclosure Statement for consideration by the Examiner. Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

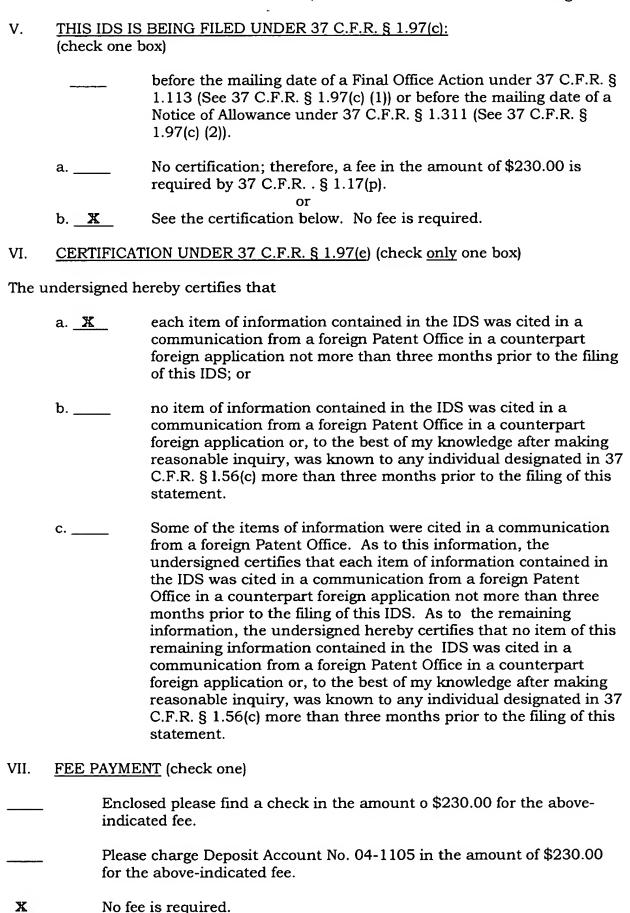
The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

Submitted herewith is a legible copy of (i) each U.S and foreign a. **X**_ patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

Each of the patents, publications or other information listed on the attached PTO-1449 was previously cited by or submitted to the USPTO in connection with U.S.S.N.:_____, to which the subject application claims the benefit of the earlier filing date. As such, a copy of each is not included herewith pursuant to 37 C.F.R. § 1.97(d).

III.	CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)	
	a. <u>X</u>	Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
	b	A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
	 c	English translation for reference(s) English abstract for reference(s). English translation of search report/official communication. PCT Search Report for Reference. The following additional information is provided for the
	c. <u></u>	Examiner's consideration: A copy of EPO Search Report A copy of PCT Search Report, dated A copy of Official Communication from the Intellectual Property Office English translation of search report/official communication.
		<u>FEES</u>
IV.	V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b) (check one box)	
	a. <u>X</u>	within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
	b	within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
	c	before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$230.00 as required by 37 C.F.R. § 1.17(p).



If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. 04-1105.

Date: February 26 2002

Respectfully submitted,

Heter F. Corless

(Reg No. 33,860) Edwards & Angell, LLP

PO BOX 9169

Boston, MA 02209

Tel: (617) 439-4444

BOS2_191967.1